

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT C. DENHAM JR., et al.,

Plaintiffs

v.

JAMES DZURENDA, et al.,

Defendants

Case No. 2:21-cv-00049-KJD-BNW

ORDER

This is a civil rights action initiated by a former state prisoner. (ECF No. 1.) Plaintiff has paid the \$402 filing fee in full. (ECF No. 1-2.) Plaintiff has submitted a motion to file an amended complaint. (ECF No 5.) Plaintiff's amended complaint is attached as Exhibit A. (*Id.* at 8-28.) The Court grants Plaintiff's motion and accepts the amended complaint as the operative complaint in this case. The Court will not screen Plaintiff's amended complaint because screening is not authorized by 28 U.S.C. § 1915A(a) or 28 U.S.C. § 1915(e)(2).

A federal court must conduct a preliminary screening in any case in which a prisoner, including a pretrial detainee, brings an action seeking redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). Plaintiff was formerly a state prisoner, and he brings his complaint against various state prison officials. But Plaintiff was not a prisoner at the time that he filed his complaint. As such, a screening order is not authorized by 28 U.S.C. § 1915A(a).

Nor does the screening provision of § 1915(e)(2) apply to this case. Under that statute, the court is authorized to screen a case when the plaintiff is proceeding in forma pauperis. See 28 U.S.C. § 1915(e)(2); *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (holding that "§ 1915(e) applies to all in forma pauperis complaints, not just those filed by prisoners"). However, Plaintiff has paid the filing fee in full.

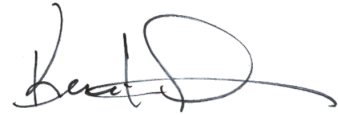
Accordingly, the Court does not have authorization to screen Plaintiff's amended complaint. This case will proceed on the normal litigation track as guided by the Federal Rules of Civil Procedure.

1 It is therefore ordered that the Court accepts the amended complaint (ECF No. 5  
2 at 8-28) as the operative complaint in this case. The Clerk of the Court will file the  
3 amended complaint.

4 It is further ordered that the Court will not issue a screening order in this case.

5 It is further ordered that this case shall proceed on the normal litigation track as  
6 guided by the Federal Rules of Civil Procedure.

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8 DATED THIS 19 day of April 2021.



10 UNITED STATES DISTRICT JUDGE  
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